

**ZONING COMMITTEE
MINUTES
WEDNESDAY, SEPTEMBER 13, 2006**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, September 13, 2006** in Committee Room #2, at 11: 15 a.m.

The following members were present:

**The Honorable Carla Smith, Chair
The Honorable Mary Norwood, Vice Chair
The Honorable Howard Shook
The Honorable Anne Fauver
The Honorable Natalyn Archibong
The Honorable Joyce Sheperd**

The following member was absent:

The Honorable C. T. Martin

Others present at the meeting were, Charletta Wilson Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Terry Grandison, Peter Andrews and Jeffrey Haymore, Law Department; and members of the Public and Council staff.

**A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING 9
PIECES OF LEGISLATION**

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCE FOR FIRST READING

06-O-2046 (1) An Ordinance by Zoning Committee to amend Ordinance U-1093, as adopted by the City Council on July 21, 1980 and approved by the Mayor on July 29, 1980, approving a transfer of ownership for a Special Use Permit for a Day Care Center for property located **2315 Perkerson Road, SW**, and for other purposes.

REFERRED TO ZONING COMMITTEE

REGULAR AGENDA

D. PAPERS HELD IN COMMITTEE

06-O-0038 (1) An Ordinance by Councilmember Carla Smith to
Z-05-56 amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Held 2/1/06 for further review)**

HELD

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0273 (2) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

06-O-0286 (3) An Ordinance by Zoning Committee to rezone
Z-06-05 from the RG-4-C-HBS (Residential General-Sector 4 Conditional-Historic Building/Site) and RG-4-C (Residential General-Sector 4-Conditional) Districts, to the RG-4-C (Residential General-Sector 4-Conditional) District, property located at **2494 and 2510 Peachtree Road (a.k.a. 2500 Peachtree Road), NE**, fronting approximately 387.76 feet on the west side of Peachtree Road, beginning 400 feet from the southwest corner of Muscogee Avenue and Peachtree Road. **(Held 3/29/06 for further review)**

Depth: Varies

Area: Approximately 3.086 Acres

Land Lot: 112, 17th District, Fulton County, Georgia

Owner: 2500 Peachtree Condominium Association, Inc.

Applicant: 2500 Peachtree Condominium Association, Inc.

NPU-C

Council District 8

HELD

06-O-0007 (4) An Ordinance by Councilmember Carla Smith
Z-05-65 **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

06-O-0022 (5) An Ordinance by Councilmember Carla Smith
U-05-22 to issue a Special Use Permit for a Nursing Home at **1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive the 2,000 foot distance requirement for this location; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0956 (6)
Z-06-45 An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the R4-A (Single-Family Residential) District, property located at **705 Pershing Avenue, SE.**, fronting approximately 201.74 feet on the south side of Pershing Avenue. **(Held 6/28/06 at the request of Councilmember of the District)**

Depth: Varies
Area: Approximately 1.056 Acres
Land Lot: 24, 14th District, Fulton County, Georgia
Owner: Edwin Duke
Applicant: David Stewart
NPU-W Council District 1

HELD

06-O-1203 (7)
Z-06-66 An Ordinance by Zoning Committee to rezone from the R-5 (Two-Family Residential) District to the MR-3 (Multi-Family Residential) District, property located at **140 Mayson Avenue, NE and 1472 (also known as 1470) Chipley Street, NE.** **(Held 8/16/06 pending CDP Amendment Hearing)**

Land Lot: 209, 15th District, Dekalb County, Georgia
NPU-O Council District 5

FAVORABLE

06-O-0145 (8)
Z-05-134 An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2228 Bicknell Street, SE.**, fronting approximately 257.5 feet on the southeast side of Bicknell Street, beginning 109 feet from the southeast corner of Bagwell Drive. **(Held 8/16/06 at the request of the Councilmember of District 12)**

Depth: Varies
Area: Approximately 3.5 Acres
Land Lot: 70, 14th District, Fulton County, Georgia
Owner: Portfolio Properties Construction Co., LLC.
Applicant: Portfolio Properties Construction Co., LLC.
NPU-Z Council District 12

HELD

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0770 (9)
Z-06-30 An Ordinance by Councilmember Carla Smith **as amended by Zoning Committee** to rezone from the PD-MU (Planned Development-Mixed Use), PD-OC (Planned Development-Office Commercial) and R-3 (Single-Family Residential) Districts to the PD-MU (Planned Development-Mixed Use) District, property located at **3415 and 3477 Kingsboro Road, NE, 3437 and 3413 Oak Valley road, NE, 920 Wright Avenue, 3510, 3510 (Front), 3566, 3488, 3478, 3468, 3458, 3463, 3449, 3433, 3429 and 3425 Lakeside Drive and 3452, 3440, 3450, 3458 and 3474 Roxboro Road, NE**, fronting approximately 455 feet on the east side of Lakeside Drive and 454 feet on the west side of Lakeside Drive, approximately 92 feet on the south side of Kingsboro Road, approximately 310 feet on the east side of Oak Valley Road, approximately 401 feet on the north side of East Paces Ferry Road and approximately 875 feet on the west side of Roxboro Road. **(Held 8/30/06 pending CDP Amendment Hearing on 9/11/06)**
Depth: Varies
Area: Approximately 16 Acres
Land Lots: 9 and 45, 17th District, Fulton County, Georgia
Owners: Noble Center Associates LL., Normco, Inc., Vivian Noble Dubose, the Virginia Notble Richardson Trust, the Ed Noble Trust, Edward W. Noble, LLC c/o Michael R. Davis, Esq. and Alston and Bird, LLP
Applicant: Treicom Development, LTD.
NPU-B **Council District 7**

FAVORABLE AS AMENDED

06-O-0944 (10)
Z-06-56 An Ordinance by Councilmember Kwanza Hall **as substituted by Zoning Committee** to amend the Zoning Ordinance of the City of Atlanta and the Maps established in connection with the property located at **695 North Avenue** and to waive the provisions of Section 16-27.002(3) of the Zoning Ordinance of the City of Atlanta, entitled "Amendments," solely for the purposes of this ordinance; and for other purposes. **(Held 8/30/06 pending CDP Amendment Hearing on 9/11/06)**

HELD

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1072 (11) An **Amended** Ordinance by Zoning Committee
Z-06-62 **Committee** to rezone from the RG-4 (Residential General-Sector 4) District to the MRC-3 (Mixed Residential Commercial) District, property located at **547, 553, 559-565 Boulevard, NE and 489 Boulevard Place, NE**, fronting approximately 186 feet on the east side of Boulevard and approximately 143 feet on the south side of Boulevard Place. **(Held 8/06/06 pending CDP Amendment Hearing on 9/11/06)**

Depth: Varies

Area: 0.70 Acre

Land Lot: 47, 14th District, Fulton County, Georgia

Owner: Gabriella Nanci

Applicant: Stephen M. Denton

NPU-M

Council District 2

FAVORABLE AS AMENDED

06-O-1074 (12) An Ordinance by Zoning Committee designating the DuPre
Z-06-64 Manufacturing Company Mill (a/k/a Excelsior Mill and the Masquerade), located at **695 North Avenue, NE**, Land Lot 18, of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the overlay Zoning Designation of Landmark Building or site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from PD-MU (Planned Development-Mixed Use) to PD-MU/LBS (Planned Development-Mixed Use/Landmark Building or Site); to repeal conflicting Laws; and for other purposes. **(Held 8/30/06 pending CDP Amendment Hearing on 9/11/06)**

HELD

06-O-1440 (13) An Ordinance by Zoning Committee to
Z-06-68 rezone from the R-4 (Single-Family Residential) District to the MR-2 (Multi-Family Residential) District, property located at **2829 Hapeville Road, SE**, fronting approximately 420 feet on the west side of Hapeville Road at the northern intersection of Waters Road. **(Held 8/30/06 pending CDP Amendment Hearing on 9/11/06)**

Depth: Varies

Area: Approximately 4.50 Acres

Land Lot: 68, 14th District, Fulton County, Georgia

Owner: Joseph P. Harris

Applicant: Joseph P. Harris

NPU-Z

Council District 12

FAVORABLE

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D. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1441 (14) An **Amended** Ordinance by Zoning Committee to rezone
Z-06-69 from the R-5 (Two-Family Residential)/HD-20L (Inman Park
Historic District) District to the RG-3 (Residential General-
Sector 3)/HD-20L (Inman Park Historic District) District,
property located at **850 Euclid Drive, NE**, fronting
approximately 109.48 feet on the north side of Euclid
Avenue, and approximately 108 feet on the west side of
Druid Circle. **(Held 8/30/06 pending CDP Amendment
Hearing on 9/11/06)**

Depth: Varies

Area: Approximately .431 Acre

Land Lot: 19, 14th District, Fulton County, Georgia

Owner: William Bartlett

Applicant: William Bartlett

NPU-N

Council District 6

FAVORABLE AS AMENDED

06-O-1927 (15) An Ordinance by Councilmembers Howard Shook, H. Lamar
Willis, Jim Maddox and Ceasar C. Mitchell **as substituted
by Zoning Committee** to amend the 1982 Zoning Ordinance
of the City of Atlanta, As Amended, so as to create a New
Chapter to be entitled, 8B, Fulton County Townhouse
Residential; to establish design guidelines for said District; to
enact, by reference and incorporation, a Map establishing
the boundaries of said District for the Cascade Glenn; to
amend the City of Atlanta Zoning Maps; to modify the zoning
process for annexations; and for other purposes.
(Substituted and held 8/30/06)

FORWARDED WITH NO RECOMMENDATION

06-O-1930 (16) An Ordinance by Councilmembers Howard Shook, H. Lamar
Willis, Jim Maddox and Ceasar C. Mitchell **as substituted
by Zoning Committee** to amend the 1982 Zoning Ordinance
of the City of Atlanta, As Amended, so as to create a New
Chapter to be entitled, 6C, Fulton County Residential; to
establish design guidelines for said District; to enact, by
reference and incorporation, a Map establishing the
boundaries of said District for the Midwest Cascade
Neighborhoods and Horseshoe Community; to amend the
City of Atlanta Zoning Maps; to modify the zoning process for
annexations; and for other purposes. **(Substituted and held
8/30/06)**

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D. PAPERS HELD IN COMMITTEE (CONT'D)

**FORWARDED WITH NO RECOMMENDATION 5 YEARS
(SMITH, SHOOK, NORWOOD, SHEPERD AND
ARCHIBONG) 1 NAY (FAUVER)**

E. ITEMS NOT ON THE AGENDA

06-O-1880 (1) An Ordinance by Community Development/Human
CDP-06-37 Resources Committee to amend the Land Use Element of the
 City of Atlanta's 2004-2019 Comprehensive Development
 Plan (CDP) so as to re-designate property located at **3415**
 Kingsboro Road, NE, from the "Medium Density Residential"
 Land Use Designation to the "High Density Commercial"
 Land Use Designation; and for other purposes. **(A Public**
 Hearing was held on 9/11/06) (Favorable by CD/HR
 Committee 9/12/06)

NPU-B

Council District 7

FAVORABLE

06-O-1881 (2) A **Substitute** Ordinance by Community
CDP-06-58 Development/Human Resources Committee to amend the
 Land Use Element of the City of Atlanta's 2004-2019
 Comprehensive Development Plan (CDP) so as to re-
 designate properties located at **547, 553, 559-565**
 Boulevard, (aka 559 & 553 Boulevard & 485 Boulevard
 Place) from the "High Density Residential" Land Use
 Designation to the "Mixed-Use" Land Use Designation; and
 for other purposes. **(A Public Hearing was held on**
 9/11/06) (Favorable on Substitute by CD/HR Committee
 9/12/06)

NPU-M

Council District 2

FAVORABLE ON SUBSTITUTE

06-O-1883 (3) An Ordinance by Community Development/Human
CDP-06-60 Resources Committee to amend the Land Use Element of the
 City of Atlanta's 2004-2019 Comprehensive Development
 Plan (CDP) so as to re-designate properties located at **140**
 Mayson Avenue and 1470-1472 Chipley Street, NE, from
 the "Low Density Residential" Land Use Designation to the
 "Medium Density Residential" Land Use Designation; and for
 other purposes. **(A Public Hearing was held on 9/11/06)**
 (Favorable by CD/HR Committee 9/12/06)

NPU-O

Council District 5

FAVORABLE

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F. ITEMS NOT ON THE AGENDA (CONT'D)

06-O-1884 (4)
CDP-06-61 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate properties located at **2829 Hapeville Road, SW**, from the "Single Family Residential" Land Use Designation to the "Low Density Residential" Land Use Designation; and for other purposes. **(A Public Hearing was held on 9/11/06) (Favorable by CD/HR Committee 9/12/06)**
NPU-Z **Council District 12**

FAVORABLE

06-O-1885 (5)
CDP-06-62 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **850 Euclid Avenue, NE**, from the "Low Density Residential" Land Use Designation to the "Medium Density Residential" Land Use Designation; and for other purposes. **(A Public Hearing was held on 9/11/06) (Favorable by CD/HR Committee 9/12/06)**
NPU-N **Council District 2**

FAVORABLE

06-O-1925 (6) An Ordinance by Councilmembers Howard Shook, Jim Maddox, H. Lamar Willis and Ceasar C. Mitchell to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan ("CDP") so as to designate property located in the **Cascade Glen Subdivision**, after its annexation into the City of Atlanta, as Single-Family Residential; and for other purposes. **(A Public Hearing was held on 9/11/06) (Favorable by CD/HR Committee 9/12/06)**

FORWARDED WITH NO RECOMMENDATION

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F. ITEMS NOT ON THE AGENDA (CONT'D)

- 06-O-1928 (7) An Ordinance by Councilmembers Howard Shook, Jim Maddox, H. Lamar Willis and Ceasar C. Mitchell to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to designate property located in the **Horseshoe Community**, after its annexation into the City of Atlanta, as Single-Family Residential, and for other purposes. **(A Public Hearing was held on 9/11/06) (Favorable by CD/HR Committee 9/12/06)**

FORWARDED WITH NO RECOMMENDATION

- 06-O-1931 (8) An Ordinance by Councilmembers Howard Shook, Jim Maddox, H. Lamar Willis and Ceasar C. Mitchell to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to designate property located in the **Midwest Cascade Neighborhoods**, after its annexation into the City of Atlanta, as Single-Family Residential; and for other purposes. **(A Public Hearing was held on 9/11/06) (Forwarded with no recommendation by CD/HR Committee 9/12/06)**

**FORWARDED WITH NO RECOMMENDATION - 5 YEAS
(SMITH, SHOOK, NORWOOD, SHEPERD AND
ARCHIBONG) 1 NAY (FAUVER)**

- 06-O-1076 (9)
U-06-12 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit for a Church and other worship facilities, pursuant to Section 16-06.005 (1)(c), property located at **745 Bolton Road, NW (also addressed as 741 Bolton Road, NW)**, fronting approximately 325 feet on the south side of Bolton Road.

Depth: Varies

Area: 5.115 Acres

Land Lot: 241, 14th District, Fulton County, Georgia

Owner: Pleasant Hill Baptist Church

Applicant: George A. Smith

NPU-H

Council District 10

FAVORABLE AS AMENDED

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There being no further business to come before the Zoning Committee the meeting was adjourned at 12:00 p.m.

Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Carla Smith, Chairperson